IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2107 OF 2006

Vinod Sheshdar Mishra ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

Shri R.K. Singh for the Applicant.

Shri D.P. Adsule, A.P.P for the State.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 22, 2006.

P.C.:

1. Heard the Advocate for the Applicant. The Applicant is husband of the first informant. The allegation against the Applicant in the F.I.R is as regards commission of offences under section 498-A, 406 read with section 34 of the Indian Penal Code.

2. The submission of the learned counsel for the Applicant is that though offence under section 376 of the Indian Penal Code is alleged against the father-in-law of the first informant, the Applicant has been also charged with commission of the said offence. He submitted that even as regards offence under section 498-A is concerned, there is absolutely no material to

proceed against the Applicant as even according to the case of the first informant, the Applicant was all along staying in Uttar Pradesh. Lastly, he submitted that the concerned court in Mumbai has no jurisdiction. According to the case of the first informant, the offences alleged against the Applicant has been committed in the State of Uttar Pradesh.

. I have considered the submissions. There are specific assertions made by the first informant against the Applicant and other members of his family as regards demand of Rs.50,000/-, a television and motorcycle and harassment on account of non-compliance with the said demand. Prima facie, the version of the first informant shows that the allegations are as regards incidents which have taken place both at Mudva in Uttar Pradesh as well as in Mumbai. Therefore, at this stage, it cannot be said that there is no material to proceed against the Applicant in so far as the offence under section 498-A and 406 is concerned. There is no merit in the submission of the Applicant as regards issue of jurisdiction.

4. Offence under section 376 of the Indian Penal

Code has been specifically alleged by the first informant only against her father-in-law and not against the Applicant. The allegations in the F.I.R registered against the Applicant is for offences under section 498-A and 406 of the Indian Penal Code.

5. No case is made out for interference. At this stage, the Application for discharge is rightly rejected by the Trial Court. Application is rejected.

6. All contentions of the Applicant in pending case are expressly kept open.

JUDGE